

## **ARTICLE SIX**

### **LAND USE, TYPE, DENSITY, INTENSITY ZONING AND REGULATORY CONTROLS**

**6.00.00**      **GENERAL:** This Article implements the goals, objectives and policies set forth in the Comprehensive Plan relating to land use in Santa Rosa County. Provisions set forth as to type of land use; density and intensity permitted are correlated with the districts shown on the Future Land Use Map and the Zoning Maps.

**6.00.01**      **Legislative Intent of Residential Districts:** The residential districts established in this Section (AG, RR-1, R-1, R1-A, HR-1, HR-2, R-1M, R-2, R-2M, R-3, C-2M, and residential portions of PUD and PBD districts) are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. The general goals include:

A.      To provide sufficient space in appropriate locations for residential development to adequately meet the housing needs of the present and expected future population of the County.

B.      To efficiently utilize existing public ways and to mitigate the effects of heavy traffic, especially through traffic in residential areas.

C.      To protect residential areas against flood, fire, explosions, toxic and noxious matter, radiation, and other hazards, as well as offensive noise, vibration, smoke, dust and other particulate matter, glare and other objectionable influence.

D.      To protect residential areas against undue congestion, by regulating the density of population, the intensity of activity and the bulk of buildings in relation to the surrounding land and to one another and by providing for off-street parking spaces for automotive vehicles.

E.      To require the provision of open space and landscaping in residential areas wherever practical in order to open up residential areas to light and air, to provide open areas for recreation, to enhance scenic quality, to facilitate surface drainage, and thereby to provide a more desirable environment for living areas.

F.      To provide for access of light and air to windows and provide for privacy by controls over the height of buildings or other structures.

G.      To provide appropriate space in accessible locations for public and private educational, religious, recreational and similar facilities and public utilities which serve the needs of nearby residents, generally function more effectively in a residential environment and do not create objectionable influence; and to coordinate the intensity of residential land use with community facilities which are appropriately located and designed.

H. To promote the most desirable use of land as well as the appropriate location and density of development, to promote stability of residential areas by providing for smooth transitions in residential density, to effectuate and maintain adequate levels of public services, to conserve the value of land and buildings, to protect the County's present and future tax revenues and to achieve the objectives of the Comprehensive Land Use Plan.

6.00.02 General Legislative Intent of Commercial Districts: The Commercial districts established in this Section (NC, HCD, and PBD and HC-1 and commercial portions of PUD districts) are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. The general goals include:

A. To provide sufficient space, in locations accessible to residential areas, for local retail services and trades catering specifically to the recurring shopping needs of the occupants of nearby residences.

B. To protect both retail and service developments and nearby residences against flood, fire, explosion, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, glare, and other objectionable influences.

C. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, preserving open space and access to light and air, by traffic, by providing for off-street parking and loading facilities and regulating the height of buildings and other structures.

D. To provide sufficient and appropriate space, and in particular, sufficient area to meet the needs of the County's expected future economy and to encourage planned commercial development concentrated in regional, community and local commercial centers with adequate areas for vehicular and pedestrian circulation, open space and landscaped areas to facilitate surface drainage and enhance scenic quality and to discourage proliferation of commercial uses in non-commercial areas.

E. To provide sufficient space in appropriate locations for commercial districts which satisfy specific needs of the County for medical services, offices, highway oriented goods and services, and other commercial trades and services.

F. To provide sufficient space in appropriate locations for the mixture of high density residential and restricted commercial developments where standards for development will provide protection to established areas and alleviate any potential adverse impacts often characterizing transitional areas in commercial districts.

G. To provide appropriate space for varied commercial activities within a compatible environment and in accord with the Comprehensive Land Use Plan, to promote a viable economic base within the County, to protect the character of the districts and their particular suitability for particular uses to conserve the value of land and buildings and to protect the County's present and future tax revenues and to achieve the objectives of the

Comprehensive Land Use Plan.

6.00.03      General Legislative Intent of Industrial Districts: The manufacturing districts established in this Section (CT, M-1, M-2, PID, and C-1M districts) are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. The general goals include:

A.      To provide sufficient space in appropriate locations to meet the needs of the urbanizing area's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.

B.      To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by discouraging the use of such space for residential purposes.

C.      To permit industrial development which is reasonably, free from danger of fire, explosions, toxic and noxious matter, radiation, smoke, dust or other particulate matter, and other hazards from offensive noise, vibration, odorous matter, glare and other objectionable influences, by regulating the emission of such nuisances, through appropriate performance standards.

D.      To protect adjacent residential and commercial areas and to protect the labor force in other establishments engaged in less offensive types of industrial activities which involve danger of fire, explosions, toxic and noxious matter, radiation, heat, humidity, glare and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances.

E.      To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings and by requiring off-street parking, open space, buffer strips and other appropriate site development criteria.

F.      To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the urbanizing area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the County's present and future tax revenues, and to protect the County's present Comprehensive Land Use Plan.

**6.01.00**      **DISTRICTS ESTABLISHED:** Santa Rosa County hereby is divided into districts and the districts shall be known as:

P-1	Park District (Passive)
P-2	Park District (Active)
AG	Agriculture District
AG-2	Agriculture District
ER	Estate Residential District
RR-1	Rural Residential District
R-1	Single Family Residential District
R-1A	Single Family Residential District
R-1M	Mixed Residential Subdivision District
R-2	Medium Density, Multiple Family Residential District
R-2M	Medium Density Mixed Residential District
R-3	Medium High Density, Multiple Family Residential District
PUD	Planned Unit Development District
PBD	Planned Business Development District
NC	Neighborhood Commercial District
HCD	Highway Commercial Development District
C-1M	Marina District
C-2M	Marina/Yacht Club District
CT	Commerce and Technology Park District
M-1	Restricted Industrial District
M-2	General Industrial District
PID	Planned Industrial Development District
HR-1	Historical Single Family Residential District
HR-2	Historical Medium Density Residential District
HC-1	Historical Commercial District

*Modified: Ord. No. 2000-17, 8-24-00; Ord. No. 2003-28, 12-8-03*

**6.02.00**      **BOUNDARIES ESTABLISHED:** The boundaries of the districts are shown upon the official zoning map which is hereby adopted by reference and made a part hereof entitled "The Santa Rosa County, Florida, Zoning Map", as prepared by the Community Planning, Zoning and Development Division of Santa Rosa County dated the effective date of this ordinance. The Zoning Map and all the notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if such information set forth on the map were all fully described and set out herein. The Official Zoning Map properly attested to is on file in the offices of the County Clerk and Community Planning, Zoning and Development Division. The Community Planning, Zoning and Development Division shall make subsequent revisions and amendments to said map. Appropriate dates and revisions to each ordinance which effected such revisions or amendment shall be reflected thereon.

**6.02.01**      **Boundaries and Regulations - Adopted**

A. The boundaries of the Santa Rosa County Planning Area and its districts as are shown upon the map adopted by this Ordinance are hereby adopted and approved.

B. The regulations of this Ordinance are hereby established and declared to be in effect upon all lands included within the boundaries of each and every district shown upon said map.

C. This Ordinance shall not be construed to prevent the construction of a single family dwelling on any lot which was a lot of record as of the effective date of this ordinance, although such lot may have a lesser area or width than is required in the district in which said lot is located.

**6.02.02** **Determination of Boundaries:** Where uncertainty exists as to boundaries of any district shown on the maps adopted herein, the following rules shall apply:

A. Where such district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.

B. On un-subdivided property the location of the district boundary, unless the same is indicated by dimensions, shall be determined as accurately as possible by the use of the scale appearing on the original map.

C. In a duly platted subdivision where a district boundary divides a lot, the zone classification of the greater portion shall prevail through the individual lot.

D. Where any street or alley was heretofore or is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

E. All territory which is hereafter added to the Santa Rosa County Planning Area shall be reviewed for appropriate zoning by the Planning and Zoning Division and recommendations sent to the Santa Rosa County Board of County Commissioners for consideration.

*Modified: Ord. No. 93-04, 2-11-93; Ord. No. 2000-5, 4-13-00*

**6.03.00** **LAND USE CLASSIFICATIONS AND ACTIVITIES** (Descriptions and Definitions): The purpose of these provisions is to classify uses into specially defined types on the basis of common functional characteristics and similar compatibility with other uses. These provisions apply throughout this ordinance. All land use activities are classified into the following activity types. If an ambiguity should arise where it is not clear in what activity a given use should be classified, the use shall be allowable only in the less restrictive zoning district.

6.03.01      Residential Activities

- A.      Single family dwelling (including zero lot line and cluster homes);
- B.      Duplex (two family dwelling including zero lot line and cluster homes); and
- C.      Multiple family dwelling (three or more family dwelling).

6.03.02      Community Facility Activities

- A.      Administrative Services: Activities typically performed by not-for-profit private or public social services, charitable organizations and utility administrative offices.
- B.      Child Care Services: Activities typically performed by an agency, organization individual providing day care without living accommodations for more than four (4) pre-teens not related by blood or marriage, and not the legal wards or foster children of the attendant adult.
- C.      Club: (public, private, or not-for-profit): Activities typically performed by a group of persons for social or recreational purposes not operated for a profit or to primarily render services which are customarily carried on as a business for profit.
- D.      Cultural or Civic Activities: Activities typically performed by public or not-for-profit private entities for the promotion of a common cultural or civic objective such as literature, science, music, drama, art or similar objectives.
- E.      Educational Institutions: A place for systematic instruction with a curriculum the same as customarily provided in a public school or college. These activities include nursery school and kindergarten facilities designed to provide a systematic program to meet organized training requirements.
- F.      Golf Courses: Large unobstructed acreage with enough room over which to walk or ride a prescribed course, and to stroke a ball long distances. Commercial miniature golf courses and driving ranges and similar facilities are excluded from this activity as defined.
- G.      Nursing Homes: (rest homes or convalescent): Activities customarily performed by a home for the elderly or infirm in which three or more persons not of the immediate family are received, kept, provided with food, shelter and care for compensation. This activity shall not include duly state licensed volunteer adult foster care homes in which three or less foster adults are placed. Neither does the principal activity include hospitals, clinics or similar institutions devoted to the diagnosis and treatment of the sick or injured.
- H.      Place of Worship: Activities customarily performed in a building where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

I. Public and Private Utilities and Facilities: Buildings, structures, equipment, or uses of land which is customary and necessary to the maintenance and operation of essential public services and major capital improvements, including transportation, sanitary sewer, electricity and gas transmission systems; water distribution, collection and disposal, law enforcement and fire protection, communication, drainage, potable water, educational parks and recreational, health systems and facilities, and similar services and facilities.

J. Special Residential Facilities: A facility licensed to serve clients of the Department of Health and Rehabilitative Services which provides a living environment for unrelated residents who operate as a functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of the residents. The clients (residents) are limited to: children, the aged, physically disabled, handicapped, developmentally disabled and mentally ill who do not constitute a direct threat to the health, property, and safety of the neighborhood.

#### 6.03.03 Commercial Activities

A. Business and Professional Offices: Insurance and real estate brokerage services; photographic studio services, excluding sale of supplies and equipment; the provisions of advice, information or consultation of a professional nature (other than services classified as community facility activities or financial and banking services or medical services). This also includes executive management and administrative activities of private, profit oriented firms. These activities generally do not include the storage of goods and chattels for the purposes of sale.

B. Commercial Amusement: Active or passive recreation facilities by profit oriented firms.

C. Restricted Sales and Services: Small limited item shops and stores limited to retail sales of frequently needed small convenience items or services typically needed on a frequent and recurring basis such as barber and beauty care, small scale drug stores, dry cleaning pick-up stations (excluding cleaning and repair services); specialty food shops such as wine and cheese stores, imported food shops, or similar unique limited item shops (excluding general food market stores); interior decorators with or without display and with no warehousing. This land use classification is intended to accommodate shops with limited inventory or goods directed expressly to a special market area including:

1. A household market area in the immediate vicinity as opposed to county-wide or regional;
2. a specialized market with customized service demand; or
3. a tourist oriented market area in the immediate vicinity. Scuba shops, repair shops, motor vehicles parts, health spas, wholesale, warehousing, and discount stores and similar general sales stores are expressly excluded.

D. Financial and Banking Services: Including full service banking; drive-in banking; loan companies; savings and loan services and stock brokerage services.

E. Funeral Homes: Undertaking and funeral services involving the care and preparation of the deceased prior to burial, excluding cremators, crematory operations and columbaries.

F. General Retail Sales and Services: Retail sale or rental from the premises of goods or both goods and services for personal, informational, or instructional service; department stores; hardware stores; supermarkets; pet shops; large specialty shops; furniture stores (without large scale warehousing); decorating services and sales; carpet stores, dry goods stores; personal sales and services; household goods and services; Volume 1, Article 32, Fire Prevention Code, 1985 Edition, Class IV or Class V dry cleaning establishments using only non-flammable Class IV solvents such as perchloroethylene, except for spotting as provided in Volume 1, Article 32, Section 4-4.5 of the Fire Prevention Code, 1985 Edition, lawn and garden supplies; office equipment and supplies, and other similar goods and services. These activities exclude the following: sale and rental of motor vehicles except small parts and accessories; sale of construction materials except paint, fixtures and hardware activities.

G. Guest Houses, Boarding Houses and Transient Quarters: Any structure including converted dwellings in which less than ten rooms, with or without meals, are rented or otherwise provided for compensation to seasonal residents or transients for their temporary care and lodging.

H. Hotels and Motels: A building or other structure used, maintained, or advertised as a place where ten (10) or more rooms are offered on a short term or transient basis for sleeping or living accommodations and which may include as an accessory use one or more main dining room areas.

I. Hospitals and Extensive Care: Institutions providing health services, primarily for in-patients, and medical or surgical care; including, as an integral part of the institution, related facilities, central service facilities, and staff offices.

J. Marinas: Recreational, commercial, and industrial facilities located adjacent to a public navigable waterway and which are provided with slips and moorings for securing, servicing or repairing of watercrafts. Major repairs, such as construction or rebuilding of boats, installation of new bottoms or substantial structural additions or alterations, are prohibited in conjunction with recreational and commercial marinas as they are industrial activities.

K. Medical Services: The provision of therapeutic, preventive or corrective personal treatment services by physicians, dentists, and other licensed medical practitioners, as well as the provision of medical testing and analysis services. These services are provided to patients who are admitted for examination and treatment by a physician and with no overnight lodging.



L. Parking Garages: A public or private commercial building or structure solely for the off-street parking or storage of operable motor vehicles.

M. Plant Nurseries and Landscape Services: Cultivation and sale of flowers, shrubs, trees, and plants at wholesale, retail or both, as well as provision of related consultative services.

N. Restaurants: Any establishment where the principal business is the sale of food or beverages to the customer in a ready-to-consume state and where the design or principal method of operation includes two or more of the following:

1. Customers, normally provided with an individual menu, are served generally in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed.
2. Ice cream parlors and other small specialty restaurants having floor area exclusively within a shopping or office center and sharing common parking facilities with other businesses within the center.
3. A cafeteria or cafeteria type operation where foods or beverages generally are served in non-disposable containers and consumed within the restaurant building.
4. Customers purchase food or beverages for carry out, pick-up or drive-thru.
5. Foods or beverages served generally in edible containers or in paper, plastic, or other disposable containers for consumption within the restaurant building or for carry-out consumption.

O. Trade Service and Repair: Shops providing services requiring skilled labor or craftsmanship for the repair of household items, including appliances, typewriters, watches, locks and similar items, as well as printing, copy and blue printing services; and similar trades and services. All such general retail and services shall not involve outside storage, except where otherwise provided in this ordinance.

P. Limited Vehicular Service and Maintenance: Establishments such as gas stations for the dispensing of motor fuels and related products as retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items, and which may include the inspection, servicing or minor repair of motor vehicles and does not have more than three (3) enclosed service bays or stalls with individual outside access or doors. These services shall not include body repair and painting, frame straightening, or tire recapping or vulcanizing.

Q. Vehicular Sales and Service: The retail or wholesale sale or rental of motor vehicles and related equipment, such as dealerships, with incidental service and maintenance carried on within an enclosed building with no more than two automobile access doorways.

R. Veterinary Medical Services: The provision of animal medical care, treatment, and temporary boarding of such animals by a Florida licensed veterinarian.

S. Wholesale Trades and Services: The display, limited storage and sale of goods to other firms for resale, excluding outside storage, except as otherwise provided in this Ordinance.

T. Self Service Storage Facility: Any real property designed and used for the purpose of renting or leasing individual storage space to tenants who are to have access to such space for the purpose of storing and removing personal property. No individual storage space may be used for residential purposes.

#### 6.03.04 Industrial Activities

A. Vehicular Service and Maintenance: Establishments for the dispensing of motor fuels and related products as retail and having pumps, underground storage tanks and other facilities for such activity and which may include the retail sale of minor automobile parts and accessories such as tires, batteries, spark plugs, fan belts, shock absorbers, mirrors, floor mats, cleaning and polishing materials and similar items, and which may include the inspection, servicing or minor repair of motor vehicles having one or more enclosed service bays or stalls. These services may include body repair and painting, frame straightening, or tire recapping or vulcanizing.

B. Limited Impact Industrial: Activities such as processing, fabrication, assembly, packaging, wholesaling, warehousing, storage and distribution: limited manufacturing, fabricating, or assembling of parts or products, primarily from previously prepared materials; and service establishments such as heavy machinery or heavy equipment rental, laundry or dry cleaning, which are other than convenience sales services. Activity is performed in a fully enclosed building whenever practical and outdoor storage is allowed when visually screened. This classification excludes basic industrial processing from raw materials.

C. General Industrial: This classification includes activities such as heavy manufacturing, saw mills, asphalt and concrete plants, truck or bus terminal, service, maintenance and storage facilities, solid waste disposal facilities, and salvage yards; manufacturing of products, primarily from extracted or raw material, or bulk storage and handling of such products and materials.

D. Aviation Activities: This classification includes the design, development, production and operation of aircraft; activities such as air operations; aircraft storage hangars and accessory uses; flying clubs; rental excursions of aircraft, and air cargo.

E. Research and Development: Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Uses include aerospace and biotechnology firms, and non-toxic computer component manufacturers. This classification also includes assembly, testing and repair of components, devices, equipment, systems, parts and components; research and development laboratories including biochemical and

chemical development facilities, pharmaceutical, and medical research.

F. Pit/Solid Waste Disposal Facilities: This classification includes activities such as borrow pits, resource extraction or mining, solid waste disposal facilities, and such activities.

6.03.05 Accessory Activities: In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with and appropriately incidental and subordinate to the principal activity when located on the same zone lot as such principal activity and meet the additional conditions set forth below. Such accessory activities shall be controlled in the same manner as the principal activities within such zone except as otherwise provided in Section 2.10.06. Accessory activities include, but are not limited to, the activities indicated below:

A. Off-street parking and loading serving a principal activity, whether located on the same zone lot or on a different zone lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal activity.

B. Home occupation accessory to a residential activity shall be carried on within a dwelling unit or accessory building by one or more residents of the dwelling unit and shall not occupy more than 20 percent of the total floor area of such dwelling unit or more than 300 square feet of floor area. Home occupation shall not include the manufacture and repair of motor vehicles or transportation equipment. The following shall not be permitted:

1. Exterior displays, or a display of goods or chattels visible from the outside or exhibited on the premises by any method or device whatsoever, including signs which would indicate from the exterior that the dwelling unit or accessory building is being utilized in whole or in part as a home occupation;
2. Use, in connection with the home occupation, of any mechanical or electrical equipment, except that which generally would be used for purely domestic or household purposes;
3. Storage materials or goods or chattels, or any part or parts outside of principal or accessory building or other structure;
4. External structure alterations not customarily in residential buildings;
5. Offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, glare or other objectionable effects;
6. Employment of other persons than a family member of the dwelling unit in the conduct of the home occupation.
7. The home occupation shall not generate more than eight (8) vehicular trips per day.

8. Group instruction or assembly; fortune telling; massage parlors, modeling studios, and similar services;
9. Parking of heavy equipment such as backhoes, bulldozers, tractor trailer rigs, dual axle trucks, and front end loaders, etc., shall be prohibited in recorded subdivisions in residentially zoned districts except for equipment located at construction sites.
10. Storage of more than one (1) motor vehicle used for the home occupation is prohibited.

C. Residential occupancy customarily associated with and appropriately incidental to a principal non-residential activity on the same lot.

D. Operation of a cafeteria for employees, residents, patrons or others participating in the principal activity by an organization engaged in a Community Facility Activity on the same zone lot. Where the principal activity is permitted only after approval as a "conditional use," an accessory cafeteria must be approved as a part of the action granting approval to the subject conditional use.

E. Operation of an administrative office customarily associated with and incidental to a principal industrial or commercial activity on the same lot, but only if such office does not occupy more than 49% of the total floor area and open space, display, storage, production and service area occupied by the same firm on the same zone lot.

F. Docks, Piers and Mooring Devices: Structures such as piers, docks, wharves, mooring devices, lifting and launching devices, the decking of which is no higher than three (3) feet above mean high water, are permitted as accessory structures.

Such structures shall not extend seaward from the property line for more than three hundred (300) feet or fifteen (15) percent of the open water span at the point of installation whichever is less, except as provided in Section 6.03.05(F)(5.b).

When structures are constructed on waterfront property and are to cross on or over areas of public access, this access may not be impeded or blocked by such structures. The owner of said structure must construct or provide public access. This provision shall apply only to water front property located on Escambia Bay south of Highway 90, Blackwater Bay south of Interstate 10, East Bay and Santa Rosa Sound.

On all construction of docks, boathouses, piers, retaining walls, seawalls, and dolphin poles a zoning review and site plan must be filed and approved by the Community Planning, Zoning and Development Division before building permits can be obtained or construction begun.

The site plan must include:

1. A survey of the property showing all boundaries.

2. Permits or exemption letters from FDEP and Army Corps of Engineers.
3. A drawing of the proposed structure with exact dimensions and their placement on the property. The location, relative to the body of water including protrusion into or over the body of water, must be shown.
4. A plat, survey or other documentation to confirm the width or distance across the body of water.
5. All canal front construction must meet the following dimensions and setbacks.
  - a. Side and corner setbacks will be fifteen (15) feet or fifteen (15) percent of the water frontage width whichever is less. Side setbacks are measured from side lot lines that separate two lots. Corner setbacks are measured from the corners created by the intersection of two canals. The intent of corner and side setbacks is to enable access to the docks, piers, and boathouses for each lot and to accommodate turning movements at the intersection of canals.
  - b. All construction including dolphin poles and/or moored watercraft can extend into the water a distance equal to twenty-five percent (25%) of the canal width except for Polynesian Isles Subdivision canal system and the terminal ends of any canals. The depth of such construction will be determined based upon the width of the canal as shown on the plat recorded as of (12-12-2013). The beginning point of such construction shall be the canal wall or the platted lot line whichever is further landward. The requirements for the Polynesian Isles Subdivision canal system and the terminal ends of any canals are as follows:

The terminal ends of the canals are considered special circumstances. In such cases the Planning and Zoning Department shall have discretion in determining the setbacks, configurations and distances into the canal for docks/piers and boatlifts. The goal will be to allow a property owner the ability to moor a boat in such a manner that does not deny nearby property owners similar mooring ability. Adjacent or affected property owners as determined by the Planning and Zoning Department will be consulted to determine the impact to them. If any such affected property owner has objections and a compromise can not be obtained, the applicant must apply for a variance from the Santa Rosa County Board of Adjustments. The SRCBOA decision shall be based upon the goal of allowing a property owner the ability to moor a boat in such a manner that does not deny nearby property owners similar mooring ability.

The Polynesian Isles Subdivision canal system shall consist of the following subdivisions: Polynesian Islands, Polynesian Islands First Addition, Bay Ridge Park Second Addition, Whisper Bay Seventh Addition, and Ebbside Townhomes. A dock or pier may not extend more than five (5) feet into the canal past the platted or surveyed property line. The only thing that may be allowed to extend into the canal in addition to a dock/pier is a boat lift. A boat

lift may extend an additional ten (10) feet past the platted or surveyed property line into the canal. The boat lift may be covered with a roof. There can be no walls extending down from the roof line enclosing any portion of the boat lift. No elements, members, catwalks, dock, roof overhangs or moored/docked watercraft can extend into the canal more than a combined total of fifteen feet past the platted or surveyed property line. All moored or docked watercraft must be inside the limits of the boatlift or along side and resting against the allowed dock.

- c. Decking shall be no more than three (3) feet above mean high water.
  - d. Seawalls must be located on or behind the surveyed property line bordering the canal.
  - e. No waterfront construction, except for seawalls may begin until the foundation for the residence has been completed and inspected.
  - f. Building permits must be posted in accordance with the building code.
  - g. Boat shelters or storage structures shall be unwalled and shall not have roofs exceeding twenty-five (25) feet above mean high water.
- G. Development of canal front property.
- a. Permits from the enforcement official will be required for the clearing of brush or shrubs on waterfront property. These permits must be posted on the property for public inspection.
  - b. Property may not be cleared closer than twenty (20) feet of the waterline unless a retaining wall is installed.
  - c. All red clay fill must be within foundation limits or under the driveway limits.
  - d. The enforcement official will verify all waterfront setbacks. Unwalled roof areas or boat shelters are permitted as accessory structures on conforming piers, docks, or wharves provided that no part of such superstructure extends further seaward from the property line than the permitted pier, dock or wharf and provided that the top of such structure shall not be more than twenty-five (25) feet above the mean high water line.
  - e. Commercial canal development must meet the performance standards found in Section 12.01.02.
- H. Guest Cottages: A guest cottage is allowed as an accessory activity within all residential zoning districts. The guest cottage shall not occupy more than 50% of the total floor area square footage of the main building and the cottage and must be used exclusively for housing members of the family occupying the principal dwelling or their non-paying guests. The guest cottage shall have a front setback of 60 feet from the front

property line and shall maintain the same side and rear setbacks for the principle dwelling.

A guest cottage with kitchen facilities is allowed if the guest cottage and main dwelling together do not exceed the gross density requirement for the parcel. If the guest cottage and main dwelling together would exceed the gross density requirement for the parcel, the following conditions apply.

1. The site should be designed so as to maximize compatibility with adjacent land uses and minimize adverse impacts.
2. The parking requirements of 7.01.08.B.B.1 must be met. For purposes of calculating parking requirements, the guest cottage will be considered an additional single family unit on the parcel.
3. A Standard B or E landscaped buffer is required between the guest cottage and adjacent single family uses or districts consistent with Section 7.01.05, "Landscape Buffers."

I. Small Wind Energy System A Small Wind Energy System is allowed on the lot where the principle use structure is located. It must meet the performance standards contained in Section 7.01.17 of this Ordinance.

#### **6.04.00**      **GENERAL PROVISIONS**

6.04.01      Compliance With Code: No principal or accessory building, structure or use shall be erected, reconstructed or structurally altered, extended or enlarged while such building, structure or use does not comply with all applicable regulations established by this ordinance including parking, landscaping and all other Performance Standards for the location in which the building, structure or land is situated.

6.04.02      Encroachment of Yard or Open Space: The minimum yards and other open space provisions contained in this ordinance for each and every building hereinafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements for any other building.

6.04.03      Number of Buildings Per Lot in Single Family Districts: In single family districts every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one dwelling unit and the customary accessory buildings on one lot except while constructing a new dwelling on said lot in which case the old dwelling must be removed prior to permanent power or certificate of occupancy issuance or no longer than twelve (12) months after applying for initial building permit.

6.04.04      Uses and Parking of Recreational Vehicles: As of the adoption date of this ordinance, the use of recreational vehicles as permanent living quarters is forbidden, except in duly licensed campgrounds and in P-2 districts. Unoccupied recreational

vehicles may be stored in residential districts on the same lot as the principal residential structure. In addition, recreational vehicles may be used as temporary living quarters in accordance with the following:

A. The temporary (seasonal) use of recreational vehicles (RVs) located in Agriculture or Agriculture-2 districts is permitted on parcels of at least five (5) acres in size, subject to the following requirements:

- 1.. The recreational vehicle must be owned by the property owner or an immediate family member.
2. The property owner shall provide for the lawful disposal of all waste.
3. Commercial use of recreational vehicles in Agriculture or Agriculture-2 districts is prohibited. RVs or RV space may not be leased.
4. The recreational vehicle must adhere to the setback requirements for accessory building and structures found in Section 2.10.05.
5. The number of recreational vehicles per parcel shall be limited to one (1) per five (5) acres.

B. The temporary (seasonal) use of recreational vehicles located in the Agriculture or Agriculture-2 districts is permitted as a special exception on parcels less than five (5) acres in size, subject o the requirements found in Section 2.04.00.C.9.

C. Conditional Use may be granted for recreation vehicles to be temporarily used as living quarters during a construction project, in accordance with the following Conditional Use criteria:

1. For sites located in residential zones, the proposed use shall be used by the property owner during the construction of the primary residence.
2. For sites located in commercial and industrial zones, the use may be allowed for security purposes during a construction project, with the maximum number of occupants of the recreational vehicle being limited to two (2).
3. A permit is required for the temporary use of the recreational vehicle.
4. Only one (1) recreational vehicle can be located and used as a temporary living quarter per lot of record or project parcel.
5. An active building permit must be in place and construction must be actively underway.
6. The recreational vehicle must be located on private property in such a way as to not interfere with the use or enjoyment of any adjacent public or private property,



7. All waste must be disposed of in a lawful manner.
8. All electrical or utility connections to the recreational vehicle must be properly permitted.
9. Recreational vehicles used on properties located in flood zones must remain ready for immediate highway use.
10. The use of the recreational vehicle as a living quarter may in no case exceed 12 months and must cease with fourteen days of the issuance of the first certificate of occupancy.

6.04.05      Continuance of Mobile Homes and Mobile Home Parks: Those house trailers, mobile homes, and duly licensed mobile home parks existing at the time of adoption of this ordinance located in the Santa Rosa County Planning area are hereby allowed to continue pursuant to Article 9 herein, provided that they meet all applicable building, plumbing, and electrical codes as amended from time to time.

The number of mobile homes shall be limited to that number authorized by the mobile home license in effect at the time of adoption of this ordinance.

6.04.06      Temporary Buildings: No temporary building or structure shall be erected on any lot in any district, provided however that this provision shall not be construed to prevent the erection of a temporary construction office or sales office such as normally used by contractors on or near the premises while a building or other project is under construction, provided such temporary building is removed no later than ninety (90) days from the date of issuance of a certificate of occupancy.

Tents and canopies, (a tent or canopy being a portable shelter of canvas, plastic, etc. stretched over a supporting framework of poles with ropes and pegs) used for commercial or promotional purposes may be permitted on a temporary basis as follows:

- A. Tents used for such purposes shall be allowed in the zoning district permitting those uses.
- B. Tents or canopies greater than four hundred (400) square feet must obtain Zoning and Building Department Permits. Tents or canopies four hundred (400) square feet or less must abide by the same regulations as tents and canopies requiring permits.
- C. Permits shall be limited to thirty (30) calendar days in a six (6) month period. Failure to remove such tents or canopies upon expiration of the thirty (30) day period shall constitute a violation of this ordinance.
- D. A notarized affidavit indicating permission to use the property for such purpose must be obtained from the property owner.
- E. The following assurances must be addressed prior to issuance of a permit:

1. No nuisance, hazardous or non-safe conditions, as determined by the Building Inspector, will be allowed in conjunction with the temporary use of such tents or canopies.
2. Vehicular parking associated with such uses shall be sufficient and vehicular traffic shall not create a safety problem.
3. A 25 foot setback from all property lines shall be required for such structures.

6.04.07 Subdivision Sales Office: Nothing contained in this ordinance shall be construed to prevent the owner or sales agent of a subdivision from using or occupying any house that may be constructed in said subdivision in accordance with the building code and zoning regulations as an office for the sale and promotion of lots and houses within such subdivisions only. Such operations must cease when sales in said subdivision have been completed.

6.04.08 Land Area Calculation Involving Land-Locked Water Bodies: For the purpose of calculating land area in determining density and where natural water bodies which are completely land-locked and not a part of navigable waterways and contained within the tract of land a maximum of thirty percent (30%) of the water body may be used towards the overall land area for the project parcel.

6.04.09 Purpose, Use and Maintenance of Yards: The purpose of yards required in this Ordinance is to provide open space around and between structures for health, safety and aesthetic purposes.

All required yards and landscaped areas where not used for parking, driveways, sidewalks or other approved structures shall be planted and maintained in lawn, sod or landscaping including flower beds, shrubs, hedges, statuary or ornamental objects. Trees shall be planted where they do not obscure the vision of the driver of a vehicle. Performance Standards shall also govern where and when applicable.

This section 6.04.09 does not apply to single family and duplex development.

6.04.10 Lands Abutting Military and Public Airports: In situations where zoning districts abut or are adjacent to military or public airports (as identified on the Official Zoning Map), the Airport Zoning Ordinance (Article 11) shall have precedence over this ordinance. Uses permitted in this overlay district (as shown on the "Airport Ordinance Overlay District Map") shall be in substantial conformity with those provisions as set forth in the Airport Zoning Ordinance for the protection of public health, safety, welfare.

6.04.11 Restrictions on Bulk Storage of Liquefied Petroleum Gas: No new liquefied petroleum bulk plants, as defined, shall be constructed within 350 feet of the nearest boundary of any lot or plot of ground used as a residence, dwelling house, school, hospital, church, motel, restaurant, or similar structure. No existing bulk plant, as defined, shall be expanded if such expansion would result in any of the bulk plant's being

within 350 feet of the nearest boundary of any lot or plot of ground used as a residence, dwelling house, school, hospital, church, motel, restaurant, or similar structure.

6.04.12      Combination of Mobile Homes Prohibited: No mobile home unit may be combined with or connected to another mobile home for the purpose of forming a single family residence, unless both units are designed and manufactured for the purpose of being so combined.

6.04.13      Abandoned, Derelict and Unlicensed Automobiles: Motor vehicles that are inoperable or abandoned or that do not have a current license plate must be stored in a completely enclosed garage or behind a six (6) foot privacy fenced yard in residential districts.

6.04.14      Derelict Mobile Homes: Mobile homes placed on property with the intent of repair to a habitable state, or mobile homes that become uninhabitable while on a lot, must be repaired to a point to a point of habitability within sixty (60) days from the date of placement, issuance of correction notice, or final disposition of insurance claim.

6.04.15      Self Service Storage Facilities: Self-service storage facilities may include limited outside storage. Outside storage shall be limited to items such as: recreational vehicles, utility trailers, boats, cars, and small tractors. All outside storage shall be screened by an eight (8) foot privacy fence.

6.04.16      Fences and Walls: The construction, erection and maintenance of walls and fences within Santa Rosa County shall be permitted in RR-1, R-1, R-1A, and R-1M zoning districts only as follows:

A.      Walls and fences on rear and side property lines shall be permitted to a maximum height of six (6) feet.

B.      There shall be no fences, walls, plantings or other structures or obstructions erected or maintained within twenty (20) feet of any street intersection which may obstruct the view of the motorist or otherwise cause an obstruction to traffic flow;

C.      Where a wall or fence is erected within the front setback of any lot, such wall or fence shall not be permitted in excess of four (4) feet in height, except chain link type fences, (minimum fourteen (14) gauge galvanized welded wire), which shall not be permitted in excess of five (5) feet in height.

D.      Section 7.01.10 established standards for fences and walls for multifamily, residential, commercial and industrial uses.

6.04.17      Land Area Calculation For Determining Density Involving Parcels Crossed by Prescriptive Roads: When a parcel is crossed by a prescriptive road, the parcel area shall be reduced only by the relevant area of the prescriptive road that exceeds ten percent of the deeded parcel area.

6.04.18      Storage of Goods or Products on Rights-of-Way Prohibited: The storage

of goods, products or other items for sale on or within a public right-of-way is prohibited.

6.04.19        Livestock: Livestock shall not be kept in any recorded subdivision located in a residentially zoned district. However the keeping of horses shall be allowed in a recorded subdivision where the restrictive covenants provide for the keeping of horses. Additionally, horses may be kept in any recorded subdivision on a parcel two acres in size or greater, providing that the restrictive covenants do not prohibit the keeping of horses.

“Livestock” shall include all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. Any uses existing at the time of adoption of this provision will not be considered lawful nonconforming uses and must comply with this provision.

6.04.20        Emergency Housing Needs:

1. Mobile homes, travel trailers or recreational vehicles may be utilized for temporary housing by individuals who have been displaced from their residences in Santa Rosa County due to damage from Hurricane Ivan, in any zoning district where single family dwellings are permitted. Setbacks for mobile home placement shall be complied with to the extent practical. Mobile homes may not be located on Navarre Beach.

All other applicable regulations shall still apply including, but not limited to flood plain management. Restrictive covenants are not subject to County regulation; therefore, this ordinance shall not impact the effectiveness of any restriction prohibiting such uses.

The use of: (a) mobile homes in zoning districts where such use is prohibited prior to the adoption of this ordinance, or (b) recreational vehicles or travel trailers as permanent residences; shall cease upon repair or reconstruction of the individual's residence or by September 30, 2006, whichever date is first.

Housing sites for multiple dwellings established by FEMA and approved by Santa Rosa County may be established in any zoning district.

2. Notwithstanding Section 4.03.08 (f) of the Santa Rosa County Land Development Code, permits for the construction of single family homes may be issued in a proposed subdivision prior to approval and filing of the final plat, if construction plans for said proposed subdivision have been approved by the Board of County Commissioners. Lots may not be sold by the developer prior to recording of the final plat as otherwise provided in the Santa Rosa County Land Development Code. This provision shall cease effect on October 1, 2006.